IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03/09/2004

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THE HONOURABLE MR.JUSTICE A.K. RAJAN

W.P. No. 11679 of 2000 and W.P.No. 12481 of 2000

W.P. No. 11679 of 2000

M.Veeragnanalakshmi ..Petitioner

-Vs-

L.I.C. Of India rep.by its
Regional Manager (P & IR),
Southern Zonal Office,
L.I.C. Building, Anna Salai,
Chennai 2. ..Respondent

Prayer: Petition under Article 226 of the Constitution of India
praying for a Writ of Certiorari to call for the proceedings dated 6.7.200 0
of the respondent herein and quash the order passed therein and accord all
other consequential benefits arising therefrom.

W.P. No.11281 of 2000

Veeragnanalakshmi ..Petitioner

Vs.

1. The District Collector and
Chairman, District Level
Caste Scrutiny Vigilance
Committee, Tirunelveli.

2. Sub-Collector, Cheran-
Mahadevi, Tirunelveli
District.

3. L.I.C., Southern Zonal
Office, L.I.C. Building,
Anna Salai (P.O.Box 2450),
Chennai 600 002. ..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for a
Writ of Certiorari to call for the records relating to the proceedings in
A4.115615/97 dated 26.6.2000 of the first respondent and quash the order

passed therein.

!For Petitioner :: Mr.R. Manikandan for
Mr.M. Suresh Kumar

^For Respondents:: Mrs.G. Kavitha for R1 & R2 in W.P.No.1128 1/2000

Mr.M. Jagadeesan for R-3
in W.P. No. 11281/2000
and for the respondent in
W.P. No. 11679 of 2000

:O R D E R

W.P. No. 11679 of 2000 has been filed challenging the order dated 6 .7.2000 of the respondent therein by which the petitioner stands dismissed from the service of the respondent Corporation and W.P.No. 1248 1 of 2000 is to challenge the order dated 26.6.2000 of the first respondent therein cancelling the community certificate issued to the petitioner.

2. The case of the petitioner is that she was appointed as an Architectural Assistant Grade II in the Engineering Department of Life Insurance Corporation with effect from 17.9.90 under the quota reserved for Scheduled Tribe. At the time of her appointment, she produced the community certificate dated 6.7.82 issued by the Special Deputy Collector (Revenue Court) Tirunelveli certifying that she belongs to Hindu Konda Reddi community, which is recognised as a Scheduled Tribe. The appointing authority, at the time of her appointment, directed her to produce another community certificate in a revised format issued by the Revenue Divisional Officer. The petitioner, besides applying to the Revenue Divisional Officer for issuance of community certificate, also filed W.P.No. 2259/91 before this Court challenging the action of the Corporation wherein, considering the fact that the application of the petitioner for issuance of community certificate was pending, this Court directed the Revenue Divisional Officer to conduct an enquiry in accordance with law and submit a report. As per the directions of this Court, the Revenue Divisional Officer submitted a report stating that the petitioner does not belong to Scheduled Tribe community as claimed by her. Challenging the said report, another writ petition namely W.P. No. 5418/92 was filed by the petitioner. The said writ petition was disposed of directing the petitioner to approach the District Level Vigilance Committee with an application seeking proper adjudication of the matter.

3. Pursuant to the above direction of this Court, the petitioner made a representation dated 28.11.99 to the District Level Vigilance Committee in regard thereto, which, in turn, directed the SubCollector, Cheranmahadevi to conduct an enquiry regarding the community status of the petitioner and submit a report. The Sub-Collector issued a notice to the petitioner to appear for an enquiry on 22.5.2000. According to the petitioner, this notice was received by her only on 23.5 .2000, i.e, one

day after the date of enquiry. Therefore, the petitioner sent a detailed representation by registered post explaining the circumstances, but she did not receive any reply from the SubCollector. On the other hand, she received a memo from the District Level Vigilance Committee asking her to appear for the enquiry scheduled to be held on 26.6.2000 and the petitioner accordingly appeared. After a perusal of the documents furnished by the petitioner, the District Level Vigilance Committee rejected the claim of the petitioner and the respondent Corporation, on receipt of the information, terminated the petitioner from service with effect from 6.7.2000. Hence, the above writ petitions.

4. Admittedly, the petitioner has got a right of appeal before the State Level Vigilance Committee against the order of rejection passed by the District Level Vigilance Committee. But, no such appeal has been filed. According to the learned counsel for the petitioner, the Government Order which provides for such an appeal namely G.O.(2D) No.18 Adi Dravidar and Tribal Welfare Department dated 1.4.97 has been stayed. The learned counsel would further submit that after the decision of the Supreme Court in KUMARI MADHURI PATIL AND ANOTHER V. ADDITIONAL COMMISSIONER, TRIBAL DEVELOPMENT (1994 (6) SCC 241), the District Level Vigilance Committee has no authority to cancel the community certificate and therefore, the order dated 26.6.2000 is not legally sustainable. In support of his contention, he relied upon the judgment dated 25.3.2003 of a Division Bench of this Court in W.A. No. 296 9 of 2002, wherein this Court, in the light of the Apex Court□s judgment in Kumari Madhuri Patil□s case (cited supra)has held that "the genuineness of the community certificate could be gone into by a committee constituted by the State Governments and therefore, the order of the Appellant Bank dated 20.10.2001 cancelling the appointment of the first respondent on the basis of the order of the second respondent, the District Vigilance Committee dated 31.8.2001 cancelling the community certificate of the first

respondent in unsustainable as the second respondent committee consisting of two officers is not constituted in accordance with the directions of the Apex Court."

5. On the other hand, the learned counsel for respondents brought to the notice of this Court, the judgment in KAVITA V. STATE OF TAMIL NADU reported in 2000 (1) Writ LR 309, wherein a Division Bench of this Court held as follows:
"5. There is undoubtedly a State Level Caste Scrutiny Committee, which is in perfect consonance with the directions given by the Apex Court in MADHURI PATIL's case cited supra, inasmuch as it has Secretary, Adi Dravidar and Tribal Welfare Department as Chairman, Director, Adi Dravidar and Tribal Welfare Department as Member-Secretary and Director, Hill Tribes Research Centre, Ooty, an expert in the field, as Member. Therefore, it cannot be said that there is no such Committee and indeed, presently we are concerned with the "correctness or otherwise" of the petitioner's claim that she belongs to the "HinduKurumans", a Scheduled Tribe Community. In that sense, the petitioner is completely confused about the G.O.(2D) No.18 dated 1.4.1997, which, in addition to a State Level Scrutiny Committee, also formulates a District Level Vigilance Committee. The District Vigilance Committee is given

the task of reviewing the community certificates issued by the Tahsildars in the concerned Districts while, the community certificates issued by the Revenue Divisional Officers in the State are to be reviewed by the State Level Scrutiny Committee. It is obvious that the District Vigilance Committee and the State Level Scrutiny Committee would naturally operate in different fields..."

Learned counsel for the respondents also relied upon a judgment of this Court in M. PONNAMBALAM V. DISTRICT COLLECTOR, TRICHIRAPALLI DISTRICT (2002 (1) CTC 264) wherein it was held that the cancellation of community certificate by the District Level Vigilance Committee was valid. The learned counsel further submitted that the two committees namely the District Vigilance Committee and the State Vigilance Committee operate at different levels and the cancellation of community certificate could be done by the District Level Vigilance Committee as well. The learned counsel also submitted that G.O.(2D)No.18 Adi Dravidar and Tribal Welfare Department dated 1.4.97 has been upheld by this Court in W.P. No.14714 of 2000 by order dated 30.8.2000 and therefore, the constitution of the District Level Vigilance Committee is also valid.

6. Considering the rival submissions and in the light of the judgments referred to above, I am of the view that the orders impugned in the writ petitions do not suffer from any illegality and they are sustained. The writ petitions are dismissed. No costs.

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Index: Yes
Internet: Yes

To

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